

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH RYAN POBLETE,

Case No.: 2:20-cv-01675-APG-BNW

Petitioner

Order

v.

UNITED STATES OF AMERICA,

Respondent

Petitioner Joseph Ryan Poblete has submitted what he has styled as a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241 (ECF No. 1-1). His filing suffers from several defects. First, he has failed to include either the \$5.00 filing fee or a fully completed application to proceed *in forma pauperis*. Local Rule LSR 1-2. Second, while Poblete uses the § 2241 form, he does not set forth any claims for which federal habeas relief may be granted. This court may entertain a petition for writ of habeas corpus “in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). But Poblete, who appears to be a state pretrial detainee, states that he seeks new appointed counsel for his state-court proceedings. As he has not submitted a petition setting forth any habeas claims, this action is dismissed without prejudice.

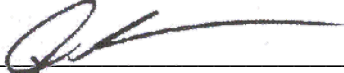
I THEREFORE ORDER that the Clerk detach and file the petition (ECF No. 1-1).

I FURTHER ORDER that the petition is **DISMISSED** without prejudice as set forth in this order.

1 I FURTHER ORDER that a certificate of appealability is DENIED.

2 I FURTHER ORDER that the Clerk enter judgment accordingly and close this case.

3 Dated: October 27, 2020

4 
U.S. District Judge Andrew P. Gordon